

1 THE HONORABLE MARSHA J. PECHMAN
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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 MARCHEX SALES, INC.,

12 v. Plaintiff

13 ADMINISTRADORA DE MARCAS Y
14 FRANQUICIAS, S.A. DE C.V.,

Defendant

No. 2:12-cv-02069-MJP

DECLARATION OF DOUGLAS A. GRADY
IN SUPPORT OF MOTION TO EXTEND
TIME TO ANSWER, MOVE, OR
OTHERWISE PLEAD TO THE
COMPLAINT

NOTE ON MOTION CALENDAR

Friday, April 12, 2013

15 DOUGLAS A. GRADY declares as follows:

16 I am one of the lawyers at Foster Pepper PLLC representing Defendant
17 ADMINISTRADORA DE MARCAS Y FRANQUICIAS, S.A. DE C.V. (“Defendant”) in this
18 case. I have personal knowledge of the facts contained in this declaration and if asked to testify
19 regarding the same would and could competently do so.

20 1. On March 14th or 15th, 2013, it appears Defendant was properly served with
21 papers at its corporate headquarters in Mexico City, Mexico – although it is not readily apparent
22 whether service was proper, whether the papers were a “preface” to proper service, or even on
23 what date Defendant was served assuming such service was proper.

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2. On April 4, 2013, counsel for Plaintiff stated on a telephone call that she did not have information that Defendant was served.

3. Attorneys for Defendant have been working diligently to investigate this matter so they can capably Answer, Move, or otherwise plead to the Complaint. However, cultural, language, and other barriers have prevented Defendants and its attorneys from completing a proper pre-response investigation as of the date of this filing. By way of non-limiting example, Defendant's administrative liaisons speak predominantly Spanish and relevant documents are predominantly in Spanish, but the undersigned attorneys cannot speak fluent Spanish.

4. An extension of time, **up to and including April 19, 2013** is necessary for Defendants to fully investigate and properly respond to the Complaint.

5. On April 3, 2012, I called Plaintiff's attorney to ask if she would be willing to stipulate to this extension.

6. As of noon on April 4, 2013, counsel for Plaintiff would not agree to the requested extension.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Dated: April 4, 2013.

FOSTER PEPPER PLLC

s/ Douglas A. Grady
Douglas A. Grady, WSBA No. 36100
Attorney for Defendant
1111 Third Avenue, Suite 3400
Seattle, Washington 98101-3299
Telephone: (206) 447-6256
Facsimile: (206) 447-9700
Email: gradd@foster.com

DECLARATION OF DOUGLAS A. GRADY
Case No. 2:12-cv-02069-MJP

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
PHONE (206) 447-4400 FAX (206) 447-9700

1 **CERTIFICATE OF SERVICE**

2 I hereby certify service that on April 4, 2013, I electronically filed the preceding
3 document with the Clerk of the Court using the ECF system which will send notification of such
4 filing to the following:

5 Stellman Keehnel, WSBA No. 9309
6 Katherine A. Heaton, WSBA No. 44075
7 DLA PIPER LLP (US)
8 701 Fifth Avenue, Suite 7000
9 Seattle, WA 98104-7044
10 Tel: 206.839.4800
11 Fax: 206.839.4801
12 E-mail: stellman.keehnel@dlapiper.com
13 Email: katherine.heaton@dlapiper.com
14 *Attorneys for Plaintiff Marchex Sales, Inc.*

15

16 s/ *Douglas A. Grady* _____
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Case No. 2:12-cv-02069-MJP

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